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# LETTER DATED 24 SEPTEMBER 1996 FROM THE SECRETARY-GENERAL AND THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

You will recall that, by its resolution 1051 (1996), the Security Council approved the mechanism for monitoring sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including resolution 715 (1991), and the plans approved thereunder. The mechanism became operative in respect of Iraq as at 26 May 1996 and it is now necessary to make a determination of the effective date upon which the mechanism will become operative in respect of States other than Iraq.

Paragraph 7 of resolution 1051 (1996) stipulates that notifications of exports to Iraq shall be provided to the joint unit, established at United Nations Headquarters by the Special Commission and the International Atomic Energy Agency (IAEA), by all other States as from the date the Secretary-General and the Director General of IAEA, after their consultations with the members of the Council and other interested States, report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism.

Consultations aiming at ascertaining the preparedness of States other than Iraq for the effective implementation of the mechanism have been conducted by the Executive Chairman of the Special Commission and their outcome was formally communicated to our respective offices on 16 September 1996. This outcome was generally positive. Attention, however, is drawn to the following communication from the Russian Federation:

> "The Russian Federation has informed the Special Commission that the competent Russian authorities are in the process of adapting the list of goods and technologies, the export of which to Iraq is subject to notification in accordance with Security Council resolutions 715 (1991) and 1051 (1996), to the requirements of national legislation. Upon completion of this task, the Russian Federation will notify the Secretary-General about the activation of the national export/import control mechanism.

"It is understood that the Russian Federation shall commence providing to the joint unit the notifications referred to in paragraph 5 of Security Council resolution 1051 (1996) from the day of the activation of the national export/import control mechanism."

The communication from the Russian Federation would not appear to require any change in the assessment that it is possible to commence effective implementation of the mechanism, as other interested States are now in a position and are prepared to carry out the reporting requirements thereunder and the Russian Federation will do so as soon as it is ready.

You are kindly requested to submit the attached report to the Council as soon as possible in order that 1 October 1996 shall be the effective date from which States shall provide notifications of exports to Iraq required under the export/import mechanism approved in resolution 1051 (1996).

(Signed) Hans BLIX
Director General
International Atomic Energy Agency

(Signed) Boutros BOUTROS-GHALI
Secretary-General
United Nations

Annex

Effective date for notifications by States under the export/import mechanism for Iraq: report by the Secretary-General and the Director General of the International Atomic Energy Agency (IAEA) pursuant to paragraph 7 of Security Council resolution 1051 (1996)

Introduction

1. By its resolution 1051 (1996) of 27 March 1996, the Security Council, acting under Chapter VII of the Charter of the United Nations, approved the provisions for the monitoring mechanism of sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including resolution 715 (1991), and the plans approved thereunder. The mechanism, as required by paragraph 7 of resolution 715 (1991), had been proposed to the Council by the Committee established under resolution 661 (1990) ("the Sanctions Committee"), the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) (see S/1995/1017).

2. On 7 May 1996, pursuant to paragraph 14 of resolution 1051 (1996), all States were provided, under cover of a circular note, with all pertinent information regarding the export/import mechanism. That information included the lists of items to be notified and copies of the notification forms to be provided to the joint unit established by the Special Commission and IAEA at United Nations Headquarters to process such notifications.

3. The mechanism became operative in respect of Iraq as at 26 May 1996. Paragraph 7 of resolution 1051 (1996) states that notifications required from other States shall be provided to the joint unit by all other States as from the date the Secretary-General and the Director General of IAEA, after their consultations with members of the Council and other interested States, report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism.

Preparedness of States other than Iraq for the effective implementation of the mechanism

4. On 18 July 1996, the Executive Chairman of the Special Commission addressed a letter to the members of the Security Council and other interested States that had previously had significant trading relations with Iraq. In that letter, he stated that informal contacts with a number of States appeared to indicate that they were, or very shortly would be, in a position to provide the necessary notifications. He pointed out that this was a matter which had become of increasing importance, given the expected implementation in the near future of Security Council resolution 986 (1995), pursuant to which it could be expected that Iraq would seek to import a variety of items subject to notification both by Iraq and by other States under the export/import monitoring mechanism. Consequently, unless by 15 September 1996 the Commission received sufficient indication in writing from the members of the Council and other interested

States that effective implementation of the mechanism was not possible by that date, the Executive Chairman indicated in his letter that he would recommend to the Secretary-General and the Director General of IAEA that they report to the Council, no later than 24 September 1996, that notifications required from States, other than Iraq, under the export/import monitoring mechanism, should be provided to the joint unit commencing on 1 October 1996. No such negative indications having been received by 15 September, the Executive Chairman recommended in communications of 16 September 1996 to the Secretary-General and to the Director General of IAEA that they report to the Council that they are satisfied with the preparedness of States for the effective implementation of the mechanism.

Effective date for notifications by States other than Iraq

5. The Secretary-General and the Director General of IAEA have considered the information contained in the Executive Chairman's communications to them of 16 September 1996. In the light of those communications and of the foregoing, and acting under paragraph 7 of resolution 1051 (1996), the Secretary-General and the Director General of IAEA can now report to the Council that they are satisfied with the preparedness of States for the effective implementation of the mechanism. In that regard, they have determined that 1 October 1996 shall be the effective date from which States shall provide notifications of exports to Iraq required under the export/import mechanism approved by the Council in that resolution.

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